

REMARKS/ARGUMENTS

Reconsideration of this application in view of the foregoing amendments and the following remarks is respectfully requested.

With this amendment, claims 2 and 36 remain in the application. Claims 43-46 are newly submitted herein. Support for the amended claims can be found in description as detailed below:

Claim 2: Page 18, lines 12-15
 Example 3, page 32
 Example 4, page 36
 Page 17, lines 3-21
 Page 17, line 30 to page 18, line 5

Claim 36: Page 21, line 12 to page 22, line 6
 Page 23, lines 1-7
 Claims 17 and 18

Claim 43: Page 18

Claim 44: Claims 1-5

Claim 45: Claim 4
 Page 18, lines 15-17
 Page 23, lines 1-7
 Example 6, page 42

Claim 46: Page 17, lines 20-21
 Page 18, lines 18-21
 Page 23, lines 1-7

i. Drawings

In the action, the Examiner has requested a new Figure 4 pursuant to 37 CFR 1.121(d). Applicant submits herewith a new and clearer Figure 4. No amendments have been made to the drawing.

ii. Claim Rejections – 35 USC § 102/103 - McCormick

The Examiner maintained her rejections of claims 2, 5-6 and 19 as being anticipated by U.S. Patent No. 4,760,017 of McCormick. The Examiner indicates that McCormick describes arabinonucleic acid and the use of a polynucleotide probe in the DNA or RNA hybridization assays. The Examiner has also noted that β -D-arabinonucleosides are used in the synthesis of the arabinonucleoside probes of McCormick. The Examiner also states that although the McCormick reference does not specifically teach that the arabinonucleic probes can be used to induce RNaseH activity, the probes of this reference meet all of the structural limitations of Applicant's invention, particularly wherein it is drawn to an oligonucleotide consisting of β -arabinose sugars hybridizing to a single stranded RNA.

Applicant has amended claim 2 to specifically recite an oligonucleotide that is a *uniformly* sugar-modified oligonucleotide, based on 2'-deoxy-2'-*fluoro*- β -D-arabinonucleotides. A *uniformly* sugar-modified oligonucleotide, based on 2'-deoxy-2'-*fluoro*- β -D-arabinonucleotides is neither disclosed nor suggested by McCormick and Applicant therefore respectfully submits that claim 2 is patentable thereover. As claims 36 and 43-36 depend from claim 2, any rejection the Examiner has in this regard to such claims are considered overcome.

iii. Claim Rejections – 35 USC § 102/103 – Wilds et al.

Claims 2, 5-6, 19, 35, 38, 40 and 41 stand rejected under 35 U.S.C. 102(b) as being anticipated by Wilds et al. , BioConjug Chem, 1999 March-April; 10(2):299-305. 35 U.S.C. 102(b) states that :

A person shall be entitled to a patent unless – (b) the invention was patented or described in a **printed publication ... more than one year prior** to the date of application for patent in the U.S.

The effective U.S. filing date for this application is June 17, 1999 (the PCT filing date). The date of Wilds et al. is, at the earliest, March 1, 1999. Thus, Wilds et al. is not a proper prior art document under 102(b) because it was not published more than one year prior to the effective U.S. filing date of this application (i.e., June 17, 1999). Reconsideration is respectfully requested.

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iv. Claim Rejections – 35 USC § 112


Claims 20 and 36-37 stand rejected under 35 U.S.C. 112 second paragraph as being indefinite. Claims 20 and 36-37 are no longer in the application. The phrase “at least one 2-O-methyl-D-ribose sugar” is not found in any of the currently pending claims.

It is submitted, therefore, that the claims are in condition for allowance. Reconsideration of the Examiner's rejections is respectfully requested.

In the event that there are any questions concerning this amendment or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

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Respectfully submitted,



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